

# CRS Report for Congress

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## **Colombia: Plan Colombia Legislation and Assistance (FY2000-FY2001)**

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Nina M. Serafino  
Specialist in International Security Affairs  
Foreign Affairs, Defense, and Trade Division

# Colombia: U.S. Assistance and Current Legislation

## Summary

On February 7, 2000, the Clinton Administration, as part of its annual budget request, asked Congress for FY2000 supplemental appropriations of \$954 million for assistance to Colombia and other Andean counternarcotics efforts. FY2000 allocated funding for Colombia, from appropriations made in 1999, already totals some \$164.0 million. At the same time, the Administration requested \$318 million for FY2001 assistance to Colombia and other regional efforts, in addition to the \$150 million that it previously indicated it had planned to allocate to Colombia in FY2001.

The Clinton Administration's "Plan Colombia" program, as it became known, was intended to substantially increase the assistance provided to Colombia. The proposal's centerpiece was funding for the "Push into Southern Colombia" program, which would include training and equipping two new army CN battalions, and providing funding to purchase new and sustain existing Blackhawk and Huey helicopters to transport them. Other assistance was included for interdiction, resettlement of displaced persons, economic development, and programs to improve Colombian National Police (CNP) eradication capabilities and to support human rights monitors, improve the justice system and strengthen the rule of law.

The 106<sup>th</sup> Congress commenced action on the request on March 9, 2000, when the House Appropriations Committee approved an emergency supplemental appropriations bill (H.R. 3908, H.Rept. 106-521) that included some \$1.4 billion in funding for FY2000 and FY2001 counternarcotics efforts in Colombia, its neighbors, and other parts of Latin America and the Caribbean. On March 30, the House approved that amount, placing conditions on the military assistance. On May 9, the Senate Appropriations Committee included \$1.1 billion in FY2000 emergency supplemental Plan Colombia funding in its FY2001 Military Construction (S. 2521) and Foreign Operations (S. 2522) bills, placing extensive conditions on the assistance in both bills. These three measures were dealt with in the conference on the military construction appropriations bill (H.R. 4425, H.Rept. 106-710) with some \$1.3 billion in emergency supplemental appropriations for Plan Colombia. As approved and signed into law (P.L. 106-246) on July 13, the bill included five human rights and two other conditions on aid to Colombia. Certification that these conditions had been met was required before the obligation of FY2000 and FY2001 funds, but the President could waive them on national security grounds. President Clinton waived six of the seven certification criteria on August 22, 2000, and he determined a second certification was not required on January 19, 2001, but submitted a report on progress regarding certification criteria.

On April 9, 2001, the Bush Administration requested \$731 million in FY2002 funding for a broader regional strategy called the Andean Counterdrug Initiative that would include funding from the International Narcotics Control account (INC) for not only Colombia, but also Bolivia, Brazil, Ecuador, Panama, Peru, and Venezuela. In later references, the Bush Administration included other funding for those countries in a Andean Regional Initiative. As a result, total funding for the regional initiative, including the ACI, now stands at some \$882.29 million.

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## Colombia: U.S. Assistance and Current Legislation

In June 2000, the 106<sup>th</sup> Congress approved some \$1.3 billion in emergency supplemental appropriations to assist counternarcotics efforts in Colombia and neighboring countries. Attached to the FY2001 Military Construction Appropriations bill (H.R. 4425, P.L. 106-246), the “Plan Colombia” package provided some \$860.2 million (67%) for Colombia, considerably less than the \$1,020.6 million that was requested by the President in February, with cuts primarily in alternative development, voluntary eradication, ground-based radar, riverine program, and governance accounts, as well as in environmental programs. However, the bill also more than tripled the funding for human rights. With an appropriation of \$180.0 million (14%) for Colombia’s neighbors and other countries in Latin America and the Caribbean, Congress more than doubled the \$76.0 million requested for them. Congress also provided \$248.8 million (19%) for the programs of U.S. agencies related to Colombia and counternarcotics efforts in the region. On June 29, the House passed the conference report (H.Rept. 106-710); the Senate passed it on June 30. Conditions were placed on the assistance provided through the State Department (but not through the Department of Defense), but most could be waived by the President, who signed the bill into law (P.L.106-246) on July 13. On August 22, the President waived six of the seven certification criteria, after the Secretary of State found that Colombia met only one criterion.

This report provides an overview of U.S. assistance before the Plan Colombia proposal, describes the Clinton Administration Plan Colombia proposal, and tracks Congressional action on it. It also covers the Bush Administration’s Andean Regional Initiative (ARI), which incorporated the Bush Administration’s Andean Counterdrug Initiative (ACI). **Table 3** provides a breakdown of the ARI by country, purpose, and account. **Table 1** provides an overview of U.S. assistance from FY1999-FY2001, and **Table 2** provides an overview of Plan Colombia funding for Colombia and the Status of the commitment of funds provided in the State Department sections of P.L. 106-246, as of the spring of 2001. **Tables 4 and 5** compare in detail the Clinton Administration’s Plan Colombia proposal with House, Senate, and conference action on it, and **Table 6** charts U.S. assistance from FY1989-FY1998. Discussion of conference action includes a list of certification and reporting requirements, and Clinton Administration responses. For additional information, see CRS Report RL30330, *Colombia: Conditions and U.S. Policy Options*; and CRS Report RS20494, *Ecuador: International Narcotics Control Issues*. For more details and Congressional action on President Bush’s Andean Regional Initiative, see CRS Report RL31016, *Andean Regional Initiative (ARI): FY2002 Assistance for Colombia and Neighbors*.

## U.S. Assistance to Colombia: Pre-Plan Colombia

U.S. assistance to Colombia, virtually all of it related to counternarcotics efforts, has increased steadily since FY1995 (see **Tables 1 and 6**). The United States has provided equipment, supplies, and other aid for the counternarcotics efforts, initially largely to the Colombian National Police (CNP), but recently increasingly to the Colombian military. As of FY2000, more is being provided to the military. Most of the funding has supported the tracking, interdiction and arrest of traffickers, the destruction of laboratories, and eradication efforts. Of pre-Plan Colombia assistance, a small amount supported reforms to the judicial system, and alternative development. This amount was increased greatly in the Plan Colombia legislation.

The State Department Bureau of International Narcotics and Law Enforcement (INL) has been the primary agency in counternarcotics efforts. INL runs the air wing which supplies aircraft for the narcotics crop eradication program in South America, in which Colombia is a major participant. INL also coordinates the activities of other civilian agencies, such as the Drug Enforcement Administration (DEA), the Agency for International Development, and the Federal Bureau of Investigation (FBI), providing them with funds from the State Department's International Narcotics Control (INC) account. These agencies have worked with Colombia's judicial system to improve law enforcement capabilities, criminal justice procedures, and the accessibility and fairness of the justice system. They also have assisted Colombia's eradication and interdiction efforts.

The Department of Defense (DOD) also has been a major source of funding and support for Colombian counternarcotics efforts, mainly through programs which are not considered "traditional foreign aid" programs.<sup>1</sup> Under defense legislation, DOD provides support for efforts to detect and monitor illicit narcotics operations, principally the maintenance of five radar sites in Colombia. DOD also conducts surveillance overflights from locations outside Colombia. During 1999, DOD helped establish, train and equip the first special Colombian Army counternarcotics battalion (CACB) of some 950 troops, which commenced operations towards the end of that year.<sup>2</sup> The battalion was set up to conduct its own CN missions, as well as to provide

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<sup>1</sup> Information in this section was provided by various DOD officials in 1998 and 1999.

<sup>2</sup> Section 1004 of the National Defense Authorization Act for FY1991 (P.L. 101-510), as amended in 1992 and extended through FY2002, authorizes DOD to extend support at the request of foreign law enforcement agencies for counternarcotics purposes. This can include: transportation of personnel; the establishment and running of bases for operations and of training facilities; CN related training of law enforcement personnel; detection, monitoring and communication of air and sea traffic; conduct of aerial and ground reconnaissance; and provision of intelligence analysis services. Title 10 U.S.C. Section 124 designates DOD the lead U.S. agency in CN detection and monitoring, and funds under this section support U.S. run radar and other programs to detect and monitor drug trafficking. Training takes place under a variety of DOD programs. In a program for U.S. special operations forces, some troops train in CN techniques with Colombian military personnel under the Joint Combined Exchange Training Program (10 U.S.C. 2011). [For information about this program, see CRS Report RL30034, *Joint Combined Exchange Training (JCET) and Human Rights:*

(continued...)

security for the police counternarcotics forces in their operations. DOD also sponsors a riverine CN program, training personnel of the Colombian Navy and Marines to control narcotics trafficking along Colombia's extensive network of rivers.<sup>3</sup> The numbers of U.S. uniformed military personnel assisting in these efforts has varied in the low hundreds.

The U.S. military and other agencies also have provided other support to the Colombian military and police. Through Section 506 (a) of the Foreign Assistance Act of 1961, as amended, DOD and other agencies (see **Tables 1 and 6**) have provided substantial amounts of equipment to the Colombian military and police.<sup>4</sup> In addition, the United States has funded the construction of the Joint Intelligence Center (JIC) at *Tres Esquinas* in southwest Colombia to strengthen police and military intelligence gathering and analysis capabilities, and to encourage them to share intelligence.

Many of the critics of military assistance have argued that although the aid is provided for counternarcotics purposes, it can be used to further counterinsurgency efforts. News reports in the summer of 1998 alleged that the United States had provided covert assistance to the Colombian military for counternarcotics and counterinsurgency operations, including the participation of active duty military personnel and private contractors.<sup>5</sup> At the same time, the press reported the presence of U.S. special operations forces who were training with Colombian military units under the Joint Combined Exchange Training program (U.S.C. Title 10, Section 2011),<sup>6</sup> which some interpreted as providing de facto counterinsurgency aid.

Although the Clinton Administration denied that the United States was providing counterinsurgency assistance, analysts acknowledged that some types of U.S. counternarcotics training provide lessons that can also be applied to counterinsurgency operations. The Clinton Administration had also held that assistance provided to police and military forces in operations targeted at guerrilla

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<sup>2</sup> (...continued)

*Background and Issues for Congress.*] However, training is also done under Section 1004 authorities and funding.

<sup>3</sup> Section 1033 of the 1998 National Defense Authorization Act (P.L. 105-85) is a multi-year counter-drug authorization (used principally in Colombia before Plan Colombia for a "riverine" program to interdict drug trafficking on rivers) for the provision of specified non-lethal equipment, the transfer of riverine patrol boats, and the maintenance and repair of counter-drug equipment.

<sup>4</sup> Under Section 506 of the Foreign Assistance Act of 1961 (as amended) "drawdown" authority, the President may provide distribute DOD stock items, defense services, and military education and training for unforeseen emergency circumstances.

<sup>5</sup> Tod Robberson. U.S. Launches Covert Program To Aid Colombia. *Dallas Morning News*. August 19, 1998.

<sup>6</sup> Dana Priest and Douglas Farah. U.S. Force Training Troops in Colombia. *The Washington Post*. May 25, 1998; Diana Jean Schemo and Tim Golden. U.S. To Increase Support for Colombian Army Units. *The New York Times*. June 2, 1998. Also see CRS Report RL30034, *Joint Combined Exchange Training (JCET) and Human Rights: Background and Issues for Congress*, January 26, 1999.

drug production or protection activities fit within the definition of counternarcotics aid. In March 1999, however, the Clinton Administration expanded the conditions under which it provided intelligence to Colombian security forces, routinely providing a Colombian police-military Joint Task Force with intelligence information related to the guerrillas. Although the United States provided the information to assist with counternarcotics operations, the General Accounting Office reported that the U.S. Embassy in Colombia did not have a system to ensure that the information was used only for counternarcotics purposes.<sup>7</sup>

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<sup>7</sup> U.S. General Accounting Office. *Drug Control: Narcotics Threat from Colombia Continues to Grow*. GAO/NSIAD-99-136. June 1999. p. 21.



**Table 1. U.S. Assistance to Colombia, FY1999-FY2001**  
(Obligations and authorizations, \$ millions)

Category of Foreign Aid or Other Assistance to Colombian Programs	FY1999	FY2000 Regular Approps.	Plan Colombia Supplemental (P.L. 106-246) FY2000	FY2001 Regular Approps.	Plan Colombia Supplemental (P.L. 106-246) FY2001
<i>State Department/INC account<sup>a</sup></i>	205.9	50.0	768.5	48.0	
<i>State Department INC Air Wing</i>	30.0	31.3		28.0	
<i>Agency for International Development (AID)<sup>b</sup></i>	13.3	4.0		4.0	
<i>International Military Education and Training (IMET)</i>	0.9	0.9		1.0	
<i>Foreign Military Financing/Grant</i>	— <sup>c</sup>	—		—	
Administration of Justice (AOJ)	1.8	—		—	
Department of Defense/Section 1004	35.9	68.7	4.5	49.8	101.2
Department of Defense/Overlapping Sections 1004/124	1.4	1.6	6.0	1.8	0.0
Department of Defense/Section 1033 account or projects funded under Section 1033-type authority	13.5	7.2	17.4	8.1	13.0
Department of Defense/Section 506 Drawdown authorized	58.1				
Other Section 506 Drawdown (i.e., Departments of Transportation, Justice, State, and the Treasury) authorized	14.5		None	None thus far	
<b>TOTALS</b>	<b>375.3</b>	<b>163.7</b>	<b>796.4</b>	<b>140.7</b>	<b>114.2</b>
			<b>960.1</b>	<b>254.9</b>	
Related Spending: Department of Defense/ Section 124	14.4	11.1	13.0	14.4	0.0

**Sources:** General Accounting Office (GAO -01-26), Department of State, Congressional Budget Justification for Foreign Operations for FY2001; U.S. Agency for International Development Budget Justification for FY2001, Annex IV; and information provided by Department of State and Department of Defense officials. This chart includes direct U.S. foreign assistance (i.e., the categories usually counted as U.S. foreign aid, which are in italics), as well as the costs of goods and services provided to Colombia from other U.S. government programs supporting counternarcotics efforts in Colombia. The United States also provides a small amount of DOD Excess Defense Articles (EDA) to Colombia. Other funds are spent in Colombia on counternarcotics and other activities that are considered part of U.S. programs: for instance, the Drug Enforcement Administration (DEA) spends its own funds on joint operations in Colombia. Figures on FY2000 and FY2001 State Department INC funding provided January 10-11, 2001. Figures on DOD Sections 1004, 124, 1004/124, and 1033 funding provided June 29, 2001; some \$10.9 million of funds in the DOD accounts was planned for an FY2001 obligation, but as of July 5, 2001 had not actually been obligated.

\* DOD Sections 124, 1004, and 1033 funding is taken from regional accounts and the tentative allocations for Colombia can be shifted to respond to developing needs in other areas. (Section 124 covers U.S. operated radar systems in Colombia and elsewhere, and other costs of U.S. detection and monitoring of drug flights.)

<sup>a</sup> For FY1999, includes \$173.2 million in Congressionally-mandated supplemental appropriations funding for helicopters, helicopter and aircraft upgrades, radar, and police assistance. FY2000 non-DOD Plan Colombia supplemental funds were all assigned to the State Department INC account; the State Department is transferring them to the other agencies carrying out programs in Colombia with those funds.

<sup>b</sup> The AID FY1999 figure includes \$10.0 million in disaster relief funding and \$3.0 million in Economic Support Funds (ESF). AID pipeline funding of \$5.0 million in development funding authorized in previous years was expended in FY1999. The AID FY2000 and FY2001 figures are all ESF. These AID figures do not include funds provided to AID from the INC account.

<sup>c</sup> FMF pipeline funding of \$13 million authorized prior to FY1995 and funding available from the FY1995 FMF authorization was intended to be expended from mid-FY1997 through FY1999.

## Plan Colombia Proposals and Legislation

### The Clinton Administration's "Plan Colombia" Proposal

As presented to the 106<sup>th</sup> Congress, initially on January 11, 2000, and then with the annual budget request on February 7, 2000, the Clinton Administration aid proposal to support the Colombian government's "Plan Colombia" contained over \$954 million in supplemental FY2000 funding and over \$318 million for FY2001 spending. (This was in addition to about \$150 million allocated and planned for existing programs in each fiscal year.) The proposal's centerpiece was the "Push into Southern Colombia" program, which was intended to enable the Colombian government to extend CN activities throughout southern Colombia. There, coca cultivation was expanding rapidly throughout areas where the Colombian guerrillas have operated. The core of the Southern Colombia program included training and equipping two new army CN battalions, and purchasing Blackhawk and Huey helicopters to transport them. According to DOD sources, the two new battalions could complete training for operations within seven months of the date funding was approved; the Black Hawk helicopters requested for their transportation could be provided, and pilots trained to operate them, about 18 months from the funding date. Total funding for the Southern Colombia (SC) program requested by the Administration was \$512 million in FY2000 and \$88 million in FY2001. Of this, AID would receive \$31 million to resettle and fund alternative economic opportunities for peasants who would be deprived of their livelihood by operations in Southern Colombia. The remaining proposed assistance, to be administered by six agencies, was divided into five other categories: (1) drug trafficking interdiction, (2) improving CNP eradication capabilities, (3) economic development, (4) "boosting government capacity," i.e., funding to support human rights monitors and improve the justice system and the rule of law; and (5) other economic assistance and assistance for the peace process.

According to Administration sources, the Push into Southern Colombia program was the first part of a planned six-year counternarcotics effort. In testimony before the House Armed Services Committee on March 23, 2000, Gen Charles E. Wilhelm, Commander in Chief of the U.S. Southern Command, outlined a six-year plan for attacking the cultivation and production of illegal narcotics. He testified that the efforts in Southern Colombia are the first phase of a three phase counternarcotics plan of the Colombian security forces. In the second two-year phase, efforts would be concentrated on the Meta and Guaviare provinces to the east. The third two-year phase would "move to the north to Santander and other provinces." At the same hearing, Rand Beers, the Assistance Secretary of State for International Narcotics and Law Enforcement Affairs, stated that "we can reasonably expect to have a serious look at success in four to six years." Other Administration witnesses, in other hearings, have stated that it would take one to two years for the program to show results.

### "Plan Colombia" Action in the 106<sup>th</sup> Congress

**House Action.** On March 9, 2000, the House Appropriations Committee approved an emergency supplemental appropriations act (H.R. 3908, reported March

14, H.Rept. 106-521), that included some \$1.418 billion in funding for FY2000 and FY2001 counternarcotics efforts in Colombia, its neighbors, and other parts of Latin America and the Caribbean. (This was out of a total of \$1.7 billion in the bill for counternarcotics purposes; the other \$282 million is for a domestic program.) This amounted to about \$146 million more than the Administration included for such purposes. This figure included, however, funds for items that were not included in the President's calculation and that it was anticipated would have been addressed elsewhere in FY2001 appropriations, i.e., almost \$79 million more for DOD military construction funding for the Aruba and Curaçao Forward Operating locations (FOLs) in FY2000 and FY2001, and for the Ecuador FOL in FY2001.

Among the House Appropriations Committee's **increases** over the President's proposal were: \$42 million more for alternative development activities in Bolivia, Peru, and Ecuador; \$19 million more for interdiction efforts in Bolivia, Peru, Ecuador, and other countries; \$25 million more for U.S. classified activities; and \$10.5 million more for U.S. Drug Enforcement Administration (DEA) programs directly related to the Andean region. The committee reallocated \$26 million for two Blackhawk helicopters from support for the Colombian Army Counternarcotics Battalions (CACBs) to support for the Colombian National Police (CNP). Among the **decreases** were almost \$20 million less for the CACBs (in addition to the reallocation of Blackhawks), and \$11 million less for riverine interdiction programs. (See **Table 4** for a breakdown of the funding.)

The **House Appropriations Committee** passed two **amendments** to the mark-up bill dealing with illegal rightist "self-defense" groups. One was a sense of the Congress resolution that the Secretary of State "should immediately" place the United Self-Defense Forces of Colombia (AUC) on the list of foreign terrorist organizations. The other provided that any helicopter provided to the Colombia army should be returned to the United States if it is used "to aid or abet the operations of an illegal self-defense group or security cooperative..."

**On March 30, the House** approved the same funding levels in its action on the bill. The House **rejected three amendments** to cut counternarcotics funding. These were:

- the **Ramstad amendment** (rejected 158-262) to delete all \$1.7 billion of counternarcotics funding in the bill;
- the **Pelosi amendment** (rejected by voice vote) to cut \$51 million from DOD funding, i.e., the amount allocated for the DOD contribution to the Push into Southern Colombia initiative; and
- the **Paul amendment** (rejected 45-367) to cut counternarcotics and other Kosovo and East Timor funding.

It also rejected, 186-239, the **Obey Amendment** to cut \$551 million in military funding, but to provide an expedited procedure for its consideration in July.

The House approved, 380-39, the **Gilman/Goss/Delahunt/Farr amendment** which would condition the funding, but included a provision for the President to waive those conditions if "required by extraordinary circumstances." The amendment also allocated \$2 million for specific human rights purposes, including U.S. monitoring of the armed forces, guerrillas, and paramilitary groups, and prohibited

the State Department from issuing a visa to any person who was “credibly alleged to have provided direct or indirect support for the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self-Defense organization (AUC), including conspiracy to allow, facilitate, or promote the illegal activities of such groups.” The visa prohibition could be waived deemed “in the national interest.”

The House also approved by voice vote the **Sawyer amendment** to earmark \$50 million for assistance to displaced persons; the House Appropriations Committee version of the bill had allocated \$24.5 million to assist currently displaced persons.

The House acted on two similar **Taylor amendments**. The first was ruled out of order because it would have affected existing legislation in an appropriations, rather than an authorization act. That amendment would have limited the total number of U.S. troops in Colombia at any one time to 300, excepting those present on an emergency rescue mission or stationed as attaches or with the Marine guard at the U.S. Embassy. The second, approved by voice vote, would limit to 300 the number of U.S. military personnel that could be supported by funds appropriated by the bill.

On May 10, the House Armed Services Committee approved conditions on the deployment of U.S. troops to Colombia as it reported its version of the FY2001 National Defense Authorization bill, H.R. 4205. Section 1204 would limit to 500 the number of U.S. troops that could be deployed there at any one time, except for diplomatic and emergency purposes. The Senate FY2001 authorization bill, S. 2549, did not contain such a limitation.

**Senate Action.** On May 9, the Senate Appropriations Committee included Plan Colombia funding in its versions of the FY2001 Military Construction (S. 2521, S.Rept. 106-290) and FY2001 Foreign Operations (S. 2522, S.Rept. 106-291) appropriations bills, reported that day. Funding in these bills for the Plan Colombia items requested by the Administration and/or approved by the House in H.R. 3908 would total some \$1,138.0 million in FY2000 emergency supplemental funds. The greatest difference between the Senate Appropriations Committee action and H.R. 3908 was the elimination of the \$388 million that the House provided for the acquisition of 30 Blackhawk helicopters. Instead, the Senate Appropriations Committee approved \$118.5 million for the acquisition of 60 Huey II helicopters for the use of Colombian Army Counternarcotics Battalions.

(The military construction bill also included additional counternarcotics items that could be considered as related to Plan Colombia. These were \$30 million to replace an a reconnaissance aircraft that crashed in Colombia in 1999, and \$44 million for Coast Guard procurement previously authorized in Section 812(b) of the Western Hemisphere Drug Elimination Act as contained in P.L. 105-277. A total of \$74.9 million was included in S. 2521 for Coast Guard drug interdiction activities.)

The Military Construction bill (S. 2521) would provide \$85.7 million in FY2000 emergency funding for DOD support of Colombian Army counternarcotics battalions, and for other support for Colombian and U.S. counternarcotics efforts. It also would provided \$116.5 million for the construction of Forward Operating Locations in Ecuador, and Aruba/Curacao. The Foreign Operations bill (S. 2522) would provide

\$934.1 million, also in FY2000 emergency funding, in support for the Colombian Army Counternarcotics Battalions (CACBs) and other activities. No FY2001 funding was included under the Plan Colombia categories in either of the bills, although the bill seems to indicate that the funding can be used in either fiscal year. (See **Table 4** for a breakdown of the funding.) On May 18, the full Senate approved S. 2521, with funding and conditions for Plan Colombia unchanged. (S. 2521 was then incorporated as a substitute amendment into H.R. 4425, the House version of the bill which contained no Plan Colombia funding, and the Senate passed its amended version of H.R. 4425 in lieu of S. 2521.)

**Senate Conditions on Assistance.** The Military Construction bill limited the amount of funding that could be provided to the government of Colombia in support for its counternarcotics programs to \$45 million.

The Senate appropriations committee version of the Foreign Operations bill placed extensive conditions on funding. These included:

- a requirement for the trial by civilian courts of Colombian military personnel credibly alleged to be guilty of gross violations of human rights, and their suspension from duty pending trial for such offenses or if they have been credibly alleged to have assisted paramilitary groups, and the full cooperation of the Colombian Armed Forces with civilian authorities in investigating, prosecuting and punishing such personnel (Section 6101). To obligate funds for FY2000 and FY2001, the Secretary of State must first certify that these conditions have been met, and that the government of Colombia is vigorously prosecuting leaders and members of the paramilitaries;
- a prohibition on the use of funds to support aerial herbicide spraying unless the Surgeon General reports to the appropriate congressional committees that the herbicide is safe and nontoxic to human health, and the Environmental Protection Agency reports that it does not contaminate water or leach in soil (Section 6105);
- a limit of 250 on the number of U.S. military personnel that could be assigned to temporary or permanent duty in Colombia (exclusive of those assigned to the U.S. diplomatic mission there), and a limit of 100 on the number of U.S. civilian contractors in Colombia in support of Plan Colombia. The President can request that Congress waive this provision, which it could do by enacting a joint resolution. The provision could also be waived for a single 90-day period if the President determines that U.S. troops “are involved in hostilities” or that such involvement “is clearly indicated by circumstances;” (Section 6106);
- a prohibition on the use of any funds other than those made available by this bill or by FY2001 military construction appropriations for Plan Colombia, unless Congress approves a presidential request to use other available funding by enacting a joint resolution (Section 6106).

The bill also would have required that (1) the President report to designated Congressional committees on the objectives of U.S. counternarcotics strategy in Colombia and neighboring countries, the benchmarks by which progress could be measured, and other elements regarding U.S. policy; and (2) the Secretary of State report within six months of enactment and every six months after regarding the status of U.S. requests for extradition to countries receiving U.S. counternarcotics aid (Section 6102). It contained a three-point statement of the Sense of Congress on counternarcotics measures (Section 6103). The “Plan Colombia” title specifically incorporated “Leahy Amendment” human rights conditions contained in previous legislation (Section 564 of P.L. 106-113, and Section 8098 of P.L. 106-79, see above).

**Senate Action on S. 2522.** In June 21-22 action on S. 2522, which was approved by the Senate on June 22, the Senate either tabled or rejected three amendments to reduce or condition funding for Colombia. These were:

- a Senator Wellstone amendment to eliminate the \$225 million Push into Southern Colombia program and instead use the funds for domestic substance abuse and mental health services, tabled 89-11;
- a Senator Gorton amendment to reduce total Plan Colombia funding to \$200 million, which could be spent in Colombia and other Caribbean, Central and South American countries at the discretion of the Secretary of State, rejected 19-79;
- a Senator Dodd amendment to provide not less than \$110 million for procurement and support of helicopters, but to permit the Department of Defense to decide in consultation with the Colombian military which model or models should be purchased, rejected 47-51.

By voice vote, the Senate approved several amendments on Colombia. These included a Senator Shelby amendment to exempt certain intelligence and intelligence-related activities from the limitation on the assignment of U.S. personnel in Colombia; a Senator Inhofe Sense of the Senate condemnation of the presumed FARC kidnapping of three Americans; Senators Sessions and Leahy amendments adding and clarifying reporting and certification requirements; a Senator Byrd amendment loosening conditions and limitations on funds for and personnel in Colombia; and a Senator Harkin clarification of an earmark for child soldiers. The chair tabled a Senator Boxer amendment to prohibit the use of funds from the act and from Department of Defense funds for four purposes related to U.S. support for and participation in counterinsurgency, law enforcement, and counternarcotics operations in Colombia.

## **“Plan Colombia” Enacted by the 106<sup>th</sup> Congress**

### **Conference Action on “Plan Colombia” Aid/H.R. 4425, P.L. 106-246**

Some \$1.289 billion in emergency supplemental appropriations was included for Plan Colombia in the conference version of H.R. 4425 (H.Rept. 106-710, filed June 29,) Military Construction appropriations for FY2001. The report was passed by the House on June 29 and by the Senate on June 30, and signed into law on July 13 (P.L. 106-246).

The conference committee version of Plan Colombia included some \$154.06 million in Department of Defense counternarcotics funding (compared to \$185.8 million provided in the House and \$85.7 million provided in the Senate. The Senate and conference version also included \$30 million under the DOD supplemental title for an Airborne Reconnaissance Low aircraft, in addition to Plan Colombia funding.)

The conference report also included some \$1,018.5 million in State Department funding for the Plan (compared to \$1,099.0 million in the House and \$934.1 million in the Senate). Under a contingent emergency supplemental funding military construction provision, the conference report included \$116.5 million for three forward operating locations, as did the Senate, compared to \$38.6 million in the House.

Some \$860.2 million or 67% was appropriated to support programs in Colombia. The largest sum – some \$416.9 million – was for helicopter, training, and other assistance to three Colombian Army counternarcotics battalions. Some \$115.6 million was provided for the anti-drug operations of the Colombian National Police, and \$99.8 million for Colombian interdiction efforts. Other assistance included \$58.5 million in economic and alternative development and employment assistance; \$47.5 million in assistance to displaced persons (included \$25 million for persons who would be affected by the Push into Southern Colombia program); \$53.5 million for human rights; \$65.5 million for administration of justice, rule of law, and other governance programs; and \$3.0 million for the peace process.

On the most controversial issues or disparate points, the conference report:

- Provided a total of \$294.0 million for helicopter procurement and sustainment for the Army counternarcotics battalions and police, compared to the Administration request and House action of \$388.0 million and the Senate action of \$118.5;
- Fully funded House and Senate increases in funding for human rights in Colombia, but cuts funding for other governance accounts;
- Contained the Senate’s human rights conditionality on funding, but also provides a national security waiver; and
- Earmarked in regional funding \$110 million for Bolivia, of which at least \$85.0 million is to be used for alternative development, and \$20

million for Ecuador, of which at least \$8.0 million is to be used for regional development but provides no earmarked funding for Peru, unlike the House and Senate bills.

These and other salient provisions are compared with House and Senate legislation in **Tables 4 and 5**, below.

## **Conditions Placed on Plan Colombia Assistance**

Six new limitations were placed on funding for Plan Colombia, and one restriction was placed on the use of other funds for Plan Colombia. Under Section 3201(a)(3), the law also conditioned the assistance provided through the Department of State funding on the provisions of the two existing Leahy amendments (Section 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, P.L.106-113, and Section 8098 of the Department of Defense Appropriations Act, 2000, P.L.106-79, as cited above).

**Limitation on Use of Helicopters.** The law provided for the return to the United States of any helicopter procured with its funding that is used to aid or abet the operations of an illegal self-defense group or security cooperative. (H.Rept. 106-710, p. 63.)

**Personnel Caps.** In order to assign more than 500 U.S. military personnel for temporary or permanent duty in support of Plan Colombia, or hire more than 300 individual civilian contractors for the same purpose, the law provided that Congress' approval must be secured through the enactment of a joint resolution, as specified in Section 3203. This condition can be waived once, in the event that U.S. Armed Forces are involved in or facing imminent hostilities. The joint explanatory statement of the conferees stated that the caps did not apply to military personnel who are not directly supporting Plan Colombia. (H.Rept. 106-710, p. 171.)

**Funding Cap on Department of Defense Assistance.** Section 3101(a) set a cap of \$45 million from DOD funds for the types of counternarcotics support detailed in Section 1033 of the P.L. 105-85 for programs of the Government of Colombia.

**Limitations on Use of Department of Defense Assistance.** Section 3101(b) limited the use of DOD funds to the types of support allowable under Section 1033 (c)(1) of P.L.105-85, the National Defense Authorization Act for FY1998. (This, in turn, referred to Section 1031(b)(1) and (2) of P.L.104-201, the National Defense Authorization Act for FY1997.) The allowable aid was limited to various types of non-lethal assistance, including protective and utility personnel equipment; specialized equipment; navigation, communications, photo, radar and night vision repairs, equipment and parts; and components, accessories, parts, firmware, software for aircraft and patrol boats, and related radar equipment.

**Restriction on Visas.** Section 3205 prohibited the State Department from issuing a visa to any person "credibly alleged to have provided direct or indirect support for the Revolutionary Armed Forces of Colombia (FARC), the National



Liberation Army (ELN), or the United Colombian Self-Defense organization (AUC), including conspiracy to allow, facilitate, or promote the illegal activities of such groups.” The President can waive this condition on national interest grounds. Exemptions were provided for medical reasons, prosecution in the United States, and cooperation with investigations of crimes committed by FARC, ELN or AUC members.

**Population Planning Restriction.** Section 3206 made all funding appropriated under Plan Colombia “or any other provision of law for fiscal year 2000” subject to the population planning restrictions of Section 599(d) of Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (H.R. 3422), as enacted into law by reference in section 1000(a)(2) of P.L. 106-113, the Consolidated Appropriations Act for FY2000.

**Overall Limitation on Funding.** Section 3204 prohibited the use of any funds for Plan Colombia other than those specifically appropriated by this act or by other specified FY2001 appropriations acts or those taken from unobligated balances for other programs serving similar purposes, unless specifically allowed by an Act of Congress.

## **Plan Colombia Certification and Reporting Requirements, and Clinton Administration Action**

As enacted, Plan Colombia required four Administration certifications and three reports to Congress prior to the obligation of fund for each FY2000 and FY2001, and six subsequent one-time or periodic reports. In approximate chronological order, the certification and reporting requirements are:

**Initial Reports on the Proposed Uses of Funds.** Within 30 days of enactment, i.e., by **August 12, 2000**, and prior to any obligation of funds, the Administration must provide two reports on the proposed use of funds. Under the State Department funding provisions, Title III, Chapter 2, the Secretary of State, in consultation with the Secretary of Defense and the AID Administrator must report to the appropriations committees on the proposed uses, by country for each program, project, or activity, of all funds provided through the Department of State. (H.Rept. 106-710, Title III, Chapter 2, p. 63.) The Conferees’ explanatory statement directed the Secretary of Defense to report to the appropriations committees no later than 30 days after enactment, i.e., **August 12, 2000**, on the proposed uses for Department of Defense funds provided under Title III, Chapter 1, and steps taken to ensure maximum force protection, including the rules of engagement. It also directed the Under Secretary of Defense (Comptroller) to report to defense committees 15 days before any obligation or transfer of funds for uses not consistent with the specific purposes of the Administration request and the statement of the managers. (H.Rept. 106-710, p. 165.)

**Clinton Administration Action.** The State Department submitted this report to Congress on July 27, 2000. (Posted by the Center for International Policy at [<http://www.ciponline.org/colombia/080102.htm>].

**Initial Human Rights Certifications and Subsequent Reports.** Prior to the obligation of FY2000 and of FY2001 assistance provided through the State Department funding (Title III, Chapter 2), Section 3201 required the Secretary of State to certify to the appropriations and foreign affairs committees that the Colombian government and the Colombian armed forces have met six human rights criteria. These were:

- that the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights be brought to justice in Colombia's civilian courts;
- that the Colombian Armed Forces Commander General promptly suspend from duty any Colombian Armed Forces personnel who were credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups;
- that the Colombian Armed Forces and its Commander General were fully complying with the above presidential directive and with the above suspension criterion;
- that the Colombian Armed Forces and its Commander General were cooperating fully with civilian authorities in investigating, prosecuting, and punishing in civilian courts Colombian military personnel who are credibly alleged to have committed gross violations of human rights;
- that the Colombian government vigorously prosecuted in civilian courts the leaders and members of paramilitary groups and military personnel assisting them; and
- that the Colombian Armed Forces developed and deployed in their field units a Judge Advocate General Corps to investigate Colombian Armed Forces personnel for misconduct.

Another condition required a statement regarding the Colombian government counternarcotics strategy, as cited in the next section, below. The President could waive compliance with these conditions if he deemed it in the national interest. Before issuing this certification, the Secretary must have consulted with internationally-recognized human rights groups on these matters.

In addition, in the joint explanatory statement, the conferees stated that they expected subsequent reports on compliance with these and related specified human rights conditions regarding members of the military and paramilitary, and on other matters within 60 days after enactment, i.e., **September 11, 2000, and every 180 days thereafter**. The three additional subjects to be covered were: (1) the extent to which investigations and prosecutions are proceeding of those responsible for attacks against human rights defenders, government prosecutors and investigators, and officials of the civilian judicial system in Colombia; (2) the number of civilian displaced by the Push into Southern Colombia and the actions taken to address their social and economic needs; and (3) the actions taken by the United States and the Colombian government to promote a negotiated settlement of the Colombian conflict. (H.Rept. 106-710, pp. 171-172.)

**Clinton Administration Action.** On August 22, 2000, President Clinton waived five of the six human rights certification requirements, after the State Department had determined that the only criteria met by the Colombian government was the issuance of the required presidential directive on August 17. In an August 18 certification issued by the acting Secretary of State, the acting Secretary determined that while the Colombian government was “actively taking steps to meet the other conditions on assistance...more work needs to be done before the Administration can certify the six remaining conditions of Section 3201, five of which address human rights-related criteria.” (For further information, see the State Department press statement at [<http://secretary.state.gov/www/briefings/statements/2000/ps000823.html>], available as of August 24, 2000. The lengthy Memorandum of Justification released in connection with the Presidential waiver detailed the progress made in the criteria areas and the Administration’s continuing concerns about them. On September 11, 2000, the Clinton Administration submitted the 60-day report. Available at [<http://www.ciponline.org/colombia/091101.htm>].

In January 2001, the Clinton Administration determined that a second certification was not required. (All State Department funding had been obligated in FY2000.) However, on January 19, President Clinton issued a White House report on progress towards the certification requirement, which found that while progress had been made, “more needs to be done.” Available at [<http://www.ciponline.org/colombia/011902.htm>]. As with the August certification, human rights groups issued their own, less favorable perspective on the situation. For their reports, see the websites of Amnesty International, Human Rights Watch, or the Washington Office on Latin America.)

**Bush Administration Action.** As of the date of this report, the Bush Administration was still processing the report required in March 2001, according to a State Department official.

**Initial Certification on Colombian Drug Strategy.** Section 3201 also prohibited the obligation or expenditure of funds provided under the State Department funding in Title III, Chapter 2, until the President certified to the appropriations and foreign affairs committees that Colombia had agreed to and was implementing a strategy to eliminate coca and opium poppy production by 2005 through a mix of alternative development programs; manual eradication; aerial spraying of chemical herbicides; tested, environmentally safe mycoherbicides; and the destruction of illicit narcotics laboratories.

**Clinton Administration Action.** The President waived this requirement in his August 22 action on Plan Colombia. The Memorandum of Justification accompanying the presidential waiver determination stated that the “Administration does not believe that this criterion can be met. The Colombian Government in Plan Colombia has set a goal of eliminating 50 percent of the drug crop cultivation within five years (October 2005). This target is in keeping with the much-heralded reductions achieved in Peru and Bolivia. A 50 percent reduction is significant, realistic, and obtainable.” The determination also stated that the total elimination of coca and poppy production by 2005 would require more resources than contemplated under Plan Colombia.

**Initial Certification of U.S. Support for Negotiated Settlement, and Subsequent Reports.** Prior to the obligation of any funds for FY2000, and then again for FY2001, under Section 3207 the Secretary of State must have certified that the United States government supported Colombia's military and political efforts to be "consistent with human rights conditions in section 3101, necessary to effectively resolve the conflicts with the guerrillas and paramilitaries that threaten the territorial integrity, economic prosperity, and rule of law in Colombia." As referred to under the section above on the initial human rights certifications, the conferees also wanted a discussion of the actions taken by the United States and the Colombian government to promote a negotiated settlement of the Colombian conflict, as part of the follow-up reports on human rights conditions "expected" on September 11, 2000 and every 180 days thereafter. (H.Rept. 106-710, p. 172.)

**Clinton Administration Action.** Certification submitted mid-August, 2000, with a memorandum of justification.

**Initial Certification Regarding Preparedness Effects and the Uses of Equipment and Materiel.** Fifteen days prior to the initial obligation of Title III, Chapter 1 Department of Defense funds for FY2000, Sections 3101(c) and (d) required that the Secretary of Defense must certify to the defense and foreign affairs committees on several matters in accordance with provisions of Section 1033 (f)(1) and (g) of P.L.105-85 (the National Defense Authorization Act for FY1998). This certification have must stated (1) that the provision of support would not adversely affect the preparedness of the U.S. Armed Forces, (2) the equipment and materiel provided would only be used by officials and employees of the government who have undergone background investigations by the Colombian government and been approved by that government to perform counter-drug activities on the basis of those investigations, (3) that such equipment and materiel would not be transferred by sale gift, or otherwise to unauthorized persons or entities, and will only be used for the United States' intended purposes, (4) that the recipient government had put in place a system to account for and inventory such equipment and personnel, (5) that the recipient government would grant U.S. personnel access to the equipment and personnel and the right of continuous observation and review, and (5) that it would provide the same security as would the U.S. government.

**Clinton Administration Action.** Certification submitted August 21, 2000.

**Initial Report on Department of Defense Contracts.** No funds appropriated under Title III, Chapter 1, could be obligated or spent "for training, logistics, support, planning or assistance contracts for any overseas activity until 15 days after the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict reports to the congressional defense committees on the value, duration and purpose of such contracts." (H.Rept. 106-710, p. 61.)

**Clinton Administration Action.** Numerous reports submitted, one for each contract signed, beginning August 29, 2000. Initially, at least, the contracts were unclassified.

**Reports on Private Contractors.** The conferees' joint explanatory statement directed the Assistant Secretary of Defense for Special Operations and

Low-Intensity Conflict to report **monthly** to the defense committees (1) identifying all private firms providing support to Plan Colombia, (2) specifying the number of American citizens located abroad to execute supporting contracts, and (3) specifying the number of military personnel and U.S. government employees operating in Colombia and the surrounding region in support of Plan Colombia. (H.Rept. 106-710, p. 165.)

**Clinton Administration Action.** These reports are classified, but according to a State Department official, the first report was submitted in January 2001, and subsequent reports were prepared.

**Report on U.S. Regional Counternarcotics Strategy.** Within 60 days of enactment, i.e., by **September 11, 2000**, the President was to have submitted to the foreign affairs and appropriations committees, under Section 3202, a report on current U.S. strategy regarding U.S. counternarcotics assistance for Colombia and neighboring countries. This were to include: (1) key objectives and benchmarks for measuring their achievement, and the actions required to advance the objectives; (2) the role of the United States in the Colombian government's counternarcotics efforts and efforts to combat the leftist counterinsurgent groups and the rightist paramilitary forces; (3) the relationship of U.S. counternarcotics strategy in Colombia to the U.S. counternarcotics strategy towards Colombia's neighbors and U.S. global counternarcotics strategy; (4) a schedule for providing material, technological, and logistical support to defend the rule of law and achieve counternarcotics aims; and a schedule for making the Forward Operating Locations operational.

**Clinton Administration Action.** Submitted October 26, 2000. Available at [<http://www.ciponline.org/colombia/102601.htm>].

**Report on the Effects of Herbicides.** The conferee's explanatory statement directed the Secretary of State, after consulting with heads of other relevant U.S. agencies, to report to the Congressional appropriations committees within 60 days of enactment, i.e., by **September 11, 2000**, on the effects on human health and safety of the herbicides used under the provisions of Title III of the bill. (H.Rept. 106-710, p. 172)

**Clinton Administration Action.** State Department report submitted January 23, 2001. The report indicates that glyphosate and other the ingredients in the mixture sprayed on coca crops in Colombia are safe when used according to label instructions. It notes that the Colombian government has approved two of the additives, while classifying them as "lightly toxic." The report is available at [<http://www.ciponline.org/colombia/012301.htm>].

**Report on Status of Requested Extraditions.** No later than 6 months after enactment, i.e., by **March 13, 2001**, and every six months after that during which Plan Colombia funds are made available, the Secretary of State must submit to foreign affairs and appropriations committees under Section 3202 a report on the status of persons whose extradition has been requested from any country receiving counternarcotics assistance from the United States.

**Bush Administration Action.** This report is being prepared, according to a State Department official.

**Report on Costs of Support for Plan Colombia.** No later than **June 1, 2001**, and no later than **December 1 and June 1 of the next four fiscal years**, the President must submit a report to Congress detailing the costs, by department, agency, or other entity, of support for Plan Colombia under Section 3204 (e).

**Bush Administration Action.** This report has been prepared and is awaiting the President's approval as of early July 2001, according to an official of the Office of National Drug Control Policy (ONDCP).

**Report on Presence of Military Personnel and Contractors If Specified Caps are Exceeded.** A report would be required if Congress were to allow the Administration to exceed specified caps on the placement of U.S. military personnel and U.S. individual citizen contractors in Colombia in support of Plan Colombia. If such a joint resolution were passed, the President would have to report to Congress under section 3204 (f) within 90 days of enactment, and every 60 days thereafter, on the aggregate number of all such military personnel and contractors, their locations, activities, and lengths of assignment.

## Provisions of Other Legislation in the 106<sup>th</sup> Congress

**Provisions of the FY2001 National Defense Authorization Act (P.L. 106-398, H.R. 4205/H.R. 5408).** The conference version, signed into law October 20, 2000, extends DOD authority to provide counternarcotics assistance to Colombia under Section 1033 of P.L. 105-85 (the DOD authorization act for FY1998 and FY1999) from FY2002 through FY2006. This extension was contained in the Senate version (S. 2549 as incorporated in H.R. 4205 as a substitute amendment). (Both Senate and conference versions maintained an expiration date of FY2002 for Peru, the other country covered under Section 1033.) The conference version did not, however, raise the cap on the amount that could be spent under that section. While the Senate would have set a cap of assistance in any one fiscal year at \$10 million for Peru and \$40 million for Colombia, the conference version retained the cap of \$20 million for both countries combined.

The conferees also set **three reporting requirements** regarding counterdrug assistance. Section 1022 required a report, **due, and submitted, by January 1, 2001**, detailing FY2000 expenditures in direct or indirect support of the counterdrug activities of foreign governments. Two others were **due February 1, 2001**. Section 1023 required a recommendation on whether to expand Section 1033 authority to other countries. Section 1024 required a report on the Section 1033 riverine program.

The conferees did not include a limitation, contained in the House version, capping at 500 the number of armed forces personnel supported by funds from and on duty in Colombia at any one time, with four exceptions. These were: those participating in the emergency rescue of U.S. military or U.S. government civilian personnel; those participating in natural disaster relief efforts; those assigned to the

U.S. embassy as an attache, security assistance officer, or serving as a member of the Marine security contingent; transient personnel; and transient personnel.

**Provisions of the “Leahy Amendments”.** Since FY1997, Congress has restricted funding in foreign operations appropriations acts through the “Leahy Amendment,” prohibiting assistance to units of foreign security forces which have committed gross violations of human rights, unless the responsible members are brought to justice. This provision was included in the House, Senate, and conference versions of the FY2001 Foreign Operations appropriations bill (Section 563, P.L. 106-429, H.R. 4811, signed into law November 16, 2000).

Congress first attached another “Leahy Amendment” restriction to Department of Defense appropriations enacted in FY1999, and extended it in FY2000 and FY2001 legislation (Section 8092 of the DOD appropriations for FY2001, P.L. 106-259, H.R. 4576, signed into law August 9, 2000). This prohibits the use of any funds appropriated by the act to support training programs for units of security forces of which a member has committed a gross violation of human rights, unless “corrective steps have been taken.” Both provisions have also been attached to the Plan Colombia aid, as noted above in the section on “Conditions Placed on Plan Colombia Assistance.”

***Text of the Foreign Operations Appropriations Leahy Amendment.***

“None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence to believe such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.”

***Text of the Defense Appropriations Leahy Amendment.*** “SEC. 8092. TRAINING AND OTHER PROGRAMS. (a) PROHIBITION- None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken. (b) MONITORING- The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces. (c) WAIVER- The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances. (d) REPORT- Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall

submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.”

## **106<sup>th</sup> Congressional Funding Action After Plan Colombia Approval**

On July 18, 2000, five days after President Clinton signed the Plan Colombia legislation into law, the chairmen of three House committees and 14 other representatives wrote House Speaker Hastert and Foreign Operations Appropriations Subcommittee Chairman Sonny Callahan requesting that additional assistance to the Colombian National Police be added during conference action on the FY2001 Foreign Operations appropriations bill (P.L. 106-429, H.R. 4811). Chairmen Burton (Government Reform), Goss (Intelligence), and Gilman (International Relations) and the other members asked for \$99.5 million for additional aircraft and helicopters, spare parts, equipment, weapons, and ammunition for CNP anti-drug operations. Funding was added in conference to the bill for counternarcotics assistance; according to a State Department official some \$13 million is to be allocated for support to Colombia, including helicopter-related assistance.

### **“On-the-Ground” Receipt of Plan Colombia Assistance**

In October 2000, the GAO reported that the United States was still developing implementation plans for Plan Colombia, and as a result “agencies do not expect to have many of the programs to support Plan Colombia in place until late 2001.”<sup>8</sup> As of February 2001, U.S. agencies reported that assistance was flowing, with much hardware already delivered. Assistance delivered, in the case of military and police equipment, and otherwise actually received in Colombia or committed through signed contracts with providers breaks down as follows:

**Delivery of Assistance to Army and Police Forces.** The delivery of helicopters to the Colombian army and police is underway. Assistance for the army is being provided to the three counternarcotics battalions established with U.S. assistance. The first began operations in December 1999, and the second in December 2000, and the third in May 2001. Assistance to the police is being provided to the special counternarcotics unit.

Colombia will receive in total under Plan Colombia funding 33 UH-1Ns, 30 Huey IIs, and 16 UH-60s (Blackhawks). Of these, all 33 UH -1Ns have been delivered to the Colombian Army, 18 of them in October 2000, and 15 on February 2, 2001. Of the UH-60s, 14 will be provided to the army and two to the police. The first three are scheduled for delivery in July 2001, the rest will be delivered in several tranches through the end of 2001. Of the Huey IIs, three are scheduled for delivery in December 2001, the remainder will be delivered through May 2002. All weaponry has been delivered to the Army counternarcotics battalions (i.e., 120 M-60 machine

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<sup>8</sup> U.S. General Accounting Office. *Drug Control: U.S. Assistance to Colombia Will Take Years to Produce Results*. GAO/01/16. October 2000. p. 5.



guns, 36 M-24 sniper rifles, 12 Mark-19 automatic grenade launchers, and 24 60 mm mortars). Delivery of other equipment and ammunition proceeds.

**Commitment of Plan Colombia Funds.** By mid-2001, a substantial amount of Plan Colombia funding had been not only obligated to through the signing of an agreement with the Colombian government, but also actually committed through the signing of a contract with the organization or company which would actually provide a service or good. The follow is a breakdown of the amounts of such contractual commitments entered into as of mid-2001. In virtually all cases where a commitment has been made, at least some of the funding has actually been spent.

**Department of State Funding.** By May 31, 2000, just over 84% of the funding for Colombia administered by the Department of State had been committed: \$543.1 million of \$645 million appropriated, according to information provided by the Bureau of International Narcotics and Law Enforcement Affairs. Of this, the largest amount committed is for Push into Southern Colombia programs: some \$327.6 million – or 88% – of the \$372.5 million appropriated. (Of this, \$365.5 million is for the purchase of helicopters and other assistance for the Colombian Army counternarcotics battalions, and \$7 million for the emergency resettlement and employment of persons displaced in the program area; of the \$7 million, all had been committed.) Aside from a small amount of money (\$3 million) with which the State Dept. is responsible for alternative and economic development, which was 100% committed, the category in which the highest percentage of funds has been committed is for human rights and judicial reform. There, some 92% of the funds, or \$87.6 million of \$94.5 million appropriated, have been committed. (Of the appropriated amount, some \$88 million is managed by the Department of the Treasury and the Department of Justice, which jointly coordinate 12 administration of justice programs.) For interdiction activities funded by the State Department, 78%, or \$46.4 million, of the \$59.4 million appropriated has been committed, and for the Colombian National Police, 68%, or \$78.4 of the \$115.6 million appropriated, has been committed.

The **Agency for International Development Assistance (AID)** is responsible for some \$119.5 million in funding for the Colombia programs, as appropriated under the State Department sections of the bill. Of this, some 74%, or \$88.7 million, had been committed by mid-April 2001, according to figures provided by AID. In addition, AID had committed half of the \$4 million appropriated for AID operating expenses by Plan Colombia legislation, and all \$5 million for alternative development and \$4 million for the administration of justice and human rights programs appropriated in the FY2000 core (i.e. regular appropriations) budget.

Under the rubric of **alternative development**, all \$42.5 million of the Plan Colombia funding administered by AID had been committed. This includes all of the environmental programs (\$2.5 million), the voluntary eradication programs (\$30.0 million), and the alternative development in southern Colombia (\$10.0 million).

In category of **human rights and judicial reform**, some 43% or \$21.2 million of \$49.5 million administered by AID had been committed. The largest amounts appropriated in this area were the least committed: only \$2.7 million of the \$10 million appropriated for community-level alternative development was committed as

of that point, and all \$12 million of the assistance to local governments was scheduled to be appropriated in September 2001. For six judicial assistance programs, all \$11 million appropriated had been committed. (These were programs for judicial system policy reform, criminal code reform, and judges training, and for the *casas de justicia*, the public defender, and the prevention of corruption programs.) For the protection of human rights workers program, half of the \$4 million appropriated had been committed, and 43% or \$3 million of the \$7 million appropriated for the strengthening of human rights institutions had been committed. Only \$1 million of the \$3 million appropriated for conflict management and the peace process had been committed. The full \$2.5 million for the rehabilitation of **child soldiers** had been obligated.

Almost 91% of the \$27.5 million handled by AID for programs related to **displaced persons** had been committed. This included all \$19.5 million appropriated for assistance for internally displaced persons, and \$5.5 million of the \$8.0 million handled by AID for the temporary emergency resettlement and employment of persons displaced by the Push into Southern Colombia program.

**Department of Defense Funds.** Some \$91.8 million was allocated to the Department of Defense for training and other assistance to the Push into Southern Colombia program, and for support for Colombian interdiction efforts. As of July 5, 2001, all but \$10.9 million of that had been obligated, and the remainder is expected to be obligated by the end of FY2001. Because of DOD accounting and disbursement procedures, however, the amounts that have actually been committed through signed contracts or other methods are not available.

In addition, as indicated by figures provided by the Department of Defense (See **Table 1**), some of the \$62.3 million appropriated for classified programs is apparently being used for purposes that support both U.S. and Colombian activities.

**Table 2. Overview of Plan Colombia Funding for Colombia and Status of Commitment\* of Funds Provided in the State Department Sections of P.L. 106-246**

(\$ millions)

	Plan Colombia P.L. 106-246 Appropriations					
	All Sections	Dept. of State Sections	Dept. of Defense Section	% of Plan Colombia aid to Colombia <sup>a</sup>	% of all Plan Colombia aid <sup>a</sup>	State Dept. sections funding committed as of Spring 2001
Assistance to the Colombian Military	516.7	424.9	91.8	61%	40%	366.6 or 86%
Push Into Southern Colombia Program:	416.9	365.5	51.4	49%	32%	320.6 or 88%
Helicopters Training and Other Assistance		328.0 37.5	51.4			
Interdiction: Support for Colombian Efforts	99.8	59.4	40.4	12%	8%	46.0 or 78%
Assistance to the Colombian National Police (CNP) (Includes CNP helicopter funding)		115.6		13%	9%	78.0 or 68%
Economic and Alternative Development/Employment		58.5		7%	5%	37.5 or 64%
Environmental Programs		2.5				
Voluntary Eradication Programs		30.0				
Assistance for Local Government		12.0				
AID Operating Expenses		4.0				
Community-Level Alternative Development		10.0				

	Plan Colombia P.L. 106-246 Appropriations					State Dept. sections funding committed as of Spring 2001
	All Sections	Dept. of State Sections	Dept. of Defense Section	% of Plan Colombia aid to Colombia <sup>a</sup>	% of all Plan Colombia aid <sup>a</sup>	
<b>Assistance for Displaced Persons</b>		<b>47.5</b>		<b>5%</b>	<b>4%</b>	<b>44.5 or 94%</b>
Push Into Southern Colombia Temporary Resettlement and Employment		15.0				
Push Into Southern Colombia Alternative Development		10.0				
Other Assistance for Internally Displaced Persons		22.5				
<b>Human Rights</b>		<b>53.5</b>				
<b>Administration of Justice/Rule of Law/Other Governance</b>		<b>65.5</b>				
<b>Peace Process</b>		<b>3.0</b>		<b>14%</b>	<b>9%</b>	<b>109.1 or 89%</b>
<b>Subtotals</b>		<b>768.5</b>	<b>91.8</b>			
<b>Colombia Total (Totals May Not Add Due to Rounding)</b>			<b>860.3</b>	<b>100%</b>	<b>67%</b>	<b>637.5 or 83%</b>

\* "Commitments" are funds for which the United States actually has signed a contract with the provider of a good or service.

<sup>a</sup> Percents based on combined DOS/DOD.

## The Bush Administration's Andean Initiatives

On April 9, 2001, the Bush Administration requested \$731 million in FY2002 funding for a broader regional strategy called the Andean Counterdrug Initiative (ACI) that would include funding from the International Narcotics Control account (INC) for not only Colombia, but also Bolivia, Brazil, Ecuador, Panama, Peru, and Venezuela. Subsequently, the Bush Administration referred to this and funding from other specified accounts for these countries as the Andean Regional Initiative (ARI), which totals some \$882.29 million. (This does not include Department of Defense funding, which has yet to be announced.)

For Colombia, the Bush Administration request for FY2002 will provide continued support for Plan Colombia legislative programs. (Note it is anticipated that funding provided through the Plan Colombia legislative will continue to be expended through FY2002.) The \$399 million requested for Colombia includes \$146.5 million for economic, social and governance programs, and \$252.5 million for counternarcotics and security programs.

The \$146.5 million for social, economic, and governance programs in Colombia includes:

- \$61.5 million for programs to improve the justice system and the rule of law, to promote human rights, and to assist with anti-corruption efforts and the peace process;
- \$60.5 million for the voluntary eradication of coca and heroin poppy crops, and for local governance and civil society programs;
- \$22.0 million for displaced persons, including \$7 million in emergency relief and \$15 million to support the education, health, and housing programs of international organizations and non-governmental organizations; and
- \$2.5 million for other program support.

The \$252.5 million for counternarcotics and security programs in Colombia includes:

- \$87.5 million for support to the Colombian National Police, including funds for eradication, for aviation support, training, equipment and infrastructure, and for logistical support;
- \$79.5 million to training, operational support, logistical support, and capital investment for the Army's Huey II and UH-60 helicopters;
- \$26.5 million to improve the infrastructure supporting counternarcotics operations, particularly for force protection purposes;
- \$13.5 million for Colombian Army units involved in counternarcotics operations;
- \$43.0 million in support for air, maritime, riverine, and ground interdiction;
- \$2.5 million in program support.

The following table provides a breakdown by purpose and by funding account for the \$882.29 million Andean Regional Initiative.

**Table 3. President Bush's Andean Regional Initiative (ARI), incorporating the Andean Counterdrug Initiative (ACI)**  
(\$ millions)

Country	Total ARI	ARI Proposed Funding By Purpose		ARI Proposed Funding By Account				
		Economic/Social/Governance	Counter-narcotics and Security	International Narcotics Control (i.e., the Andean Counterdrug Initiative, ACI )	Development Aid	Child Survival and Diseases	Economic Support Fund	Foreign Military Financing
<b>Colombia</b>	<b>399.00</b>	146.50	252.50	399.00	0	0	0	0
<b>Bolivia</b>	<b>143.48</b>	88.48	55.0	101.00	25.08	6.40	10.00	1.00
<b>Brazil</b>	<b>26.18</b>	11.18	15.0	15.00	3.38	7.80	0	0
<b>Ecuador</b>	<b>76.48</b>	56.48	20.00	39.00	6.48	0	30.00	1.00
<b>Panama</b>	<b>20.50</b>	8.50	12.00	11.00	4.50	0	4.00	1.00
<b>Peru</b>	<b>206.15</b>	128.15	78.00	156.00	28.65	10.50	10.00	1.00
<b>Venezuela</b>	<b>10.50</b>	0.50	10.00	10.00	0	0	0.50	0
<b>Totals</b>	<b>882.29</b>	439.79	442.5	731.0	68.09	24.7	54.5	4.00

Source: ARI Reference Sheet, 150 Account, provided by the Department of State, May 14, 2001.

**Table 4. Comparative Chart of Plan Colombia Legislation**

(The Administration Request; the House FY2000 Supplemental Appropriations bill (H.R. 3908); the Senate Foreign Operations Appropriations (S. 2522) and Senate Appropriations Committee FY2001 Military Construction Appropriations (S. 2521) bills; and the enacting legislation, the Military Construction Appropriations Act for FY2001, P.L. 106-246.)  
(\$ millions)

	Administration Request	House Action	Senate Action		Conference Action P.L. 106-246	
		Supplemental Approps. H.R. 3908	Foreign Ops. Approps. S. 2522	Mil. Con. Approps. S. 2521	Dept. of State Section	Dept. of Defense Section
<b>COLOMBIA</b>						
<b>Push Into Southern Colombia Program:</b>	<b>569.0</b>	<b>521.4</b>	<b>225.6</b>	<b>30.4</b>	<b>365.5</b>	<b>51.4</b>
<b>Assistance for Colombian Army Counternarcotics Battalions (CACB)</b>						
<b>Helicopters</b>						
UN-1N Huey	64.0	64.0	64.0		60.0	
Huey II			118.5		60.0	
UH-60 (Blackhawks)	388.0	362.0			208.0	
<b>Training and Other Assistance</b>	117.0	95.4	43.1	30.4	37.5	51.4
<b>Assistance for the Colombian National Police (CNP) (Includes CNP helicopter funding, does not include DEA support which is cited below)</b>	<b>89.6</b>	<b>115.5</b>	<b>93.5</b>		<b>115.6</b>	
<b>Interdiction: Support for Colombian Efforts</b>	<b>123.0</b>	<b>106.8</b>	<b>62.0</b>	<b>18.0</b>	<b>59.4</b>	<b>40.4</b>
Ground Based Radar	20.0	20.0				13.0
Radar Command and Control	5.0	5.0		5.0		5.0
Aircraft, airfield upgrades, air operations support	67.0	61.8	46.0	8.0	44.4	17.4
Ground interdiction	5.0	5.0		5.0		5.0
Riverine Interdiction	26.0	15.0	16.0		15.0	
<b>Economic and Alternative Development/Employment</b>	<b>90.5</b>	<b>92.0</b>	<b>85.0</b>		<b>58.5</b>	
Environmental Programs	5.0	5.0	2.5		2.5	
Voluntary Eradication Programs	46.0	46.0	46.0		30.0	
Assistance for Local Government	15.0	15.0	12.0		12.0	
AID Operating Expenses	4.5	6.0	4.5		4.0	
Community-Level Alternative Development	20.0	20.0	20.0		10.0	

	Administration Request	House Action	Senate Action		Conference Action P.L. 106-246	
		Supplemental Approps. H.R. 3908	Foreign Ops. Approps. S. 2522	Mil. Con. Approps. S. 2521	Dept. of State Section	Dept. of Defense Section
<b>Assistance for Displaced Persons</b>	<b>55.5</b>	<b>55.5</b>	<b>49.5</b>		<b>47.5</b>	
Push Into Southern Colombia Temporary Resettlement and Employment	15.0	15.0	15.0		15.0	
Push Into Southern Colombia Alternative Development	16.0	16.0	10.0		10.0	
Other Assistance for Internally Displaced Persons	24.5	24.5	24.5		22.5	
<b>Human Rights</b>	<b>15.0</b>	<b>17.0</b>	<b>48.5</b>		<b>53.5</b>	
<b>Administration of Justice/Rule of Law/Other Governance</b>	<b>76.0</b>	<b>81.5</b>	<b>84.5</b>		<b>65.5</b>	
<b>Peace Process</b>	<b>2.0</b>	<b>1.0</b>	<b>5.0</b>		<b>3.0</b>	
<b>Colombia Subtotal*</b>	<b>1,020.6</b>	<b>990.7</b>	<b>702.0</b>		<b>860.3</b>	
<b>SUPPORT FOR U.S. AGENCIES' PROGRAMS IN OR RELATED TO COLOMBIA AND THE ANDEAN REGION</b>						
<b>Interdiction and Related Support</b>	<b>139.8</b>	<b>158.5</b>	<b>114.5</b>	<b>37.3</b>	<b>70.0</b>	<b>62.3</b>
Customs	68.0	68.0	68.0		68.0	
Intelligence	62.0	87.0		37.3		62.3
DEA	6.7	17.2	6.7			
Other (Treasury/OFAC and ONDCP)	3.1	2.1	2.5		2.0	
<b>Forward Operating Locations</b>	<b>38.6</b>	<b>116.5</b>		<b>116.5</b>		<b>116.5</b>
Manta, Ecuador	38.6	61.3		61.3		61.3
Aruba/Curaçao		54.2		54.2		54.2
Related		1.1		1.1		1.1
<b>U.S. Programs Subtotal</b>	<b>178.4</b>	<b>289.8</b>	<b>231.0</b>		<b>248.8</b>	
<b>SUPPORT FOR COLOMBIA'S NEIGHBORS/ANDEAN REGION</b>						
<b>Regional Counternarcotics/Interdiction</b>	<b>46.0</b>	<b>65.0</b>	<b>78.0</b>		<b>55.0</b>	
Peru	22.0	27.0	27.0			
Bolivia	6.0	8.0	20.0		25.0	
Ecuador	6.0	12.0	13.0		12.0	
Elsewhere	12.0	18.0	18.0		18.0	
<b>KMAX Helicopters</b>					<b>32.0</b>	



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	Administration Request	House Action	Senate Action		Conference Action P.L. 106-246	
		Supplemental Approps. H.R. 3908	Foreign Ops. Approps. S. 2522	Mil. Con. Approps. S. 2521	Dept. of State Section	Dept. of Defense Section
<b>Regional Alternative Development</b>	<b>30.0</b>	<b>72.0</b>	<b>127.0</b>		<b>93.0</b>	
Peru	15.0	15.0	15.0			
Bolivia	12.0	49.0	100.0		85.0	
Ecuador	3.0	8.0	12.0		8.0	
<b>Regional Subtotal*</b>	<b>76.0</b>	<b>137.0</b>	<b>205.0</b>		<b>180.0</b>	
<b>TOTALS*</b>	<b>1,272.0</b>	<b>1,418.5</b>	<b>1,138.0</b>			<b>1,289.0</b>

\* Subtotals and totals may not add due to rounding.

For a further breakdown of all categories of Plan Colombia assistance, see: [<http://www.ciponline.org/colombia/aidcompare.htm>].

**Table 5. Comparison of Salient Legislative Provisions Regarding Colombia**

	<b>H.R. 3908 House Supplemental, as passed by the House</b>	<b>S. 2522 Foreign Operations Appropriations, as approved by the Senate</b>	<b>Conference Report on H.R. 4425, FY2001 Military Construction Appropriations</b>
<b>Helicopter Funding</b>	<p>Funds administration request for \$388 million for Blackhawk helicopter purchases and sustainment, except it directs that instead of all 30 Blackhawks, being designated for use by the Colombian Army Counternarcotics Battalions (CACBs), two be designated for the Colombian National Police (CNP).</p> <p>Also provides \$2.6 more for the upgrade of Colombian National Police (CNP) Huey (UH-1H) helicopters to Huey IIs ( "Super Hueys"), allowing for the upgrade of 12 rather than 10 helicopters.</p>	<p>Provides no funding for Blackhawks. Instead, provides \$118.5 funds to purchase, refurbish, and support 60 Huey II helicopters.</p> <p>Provides \$6.0 million more than the Administration request and \$3.4 million more than the House for the upgrade of UH-1H helicopters for the CNP; specifies, as does the House that 12 helicopters are to be upgraded.</p>	<p>Provides \$374.6 million in helicopter funding. Of this, \$234 million is for the procurement and sustainment of 18 Blackhawks: \$208 million for 16 to support the CACBs; \$26 million for two to support the CNP. Also provides \$60 million for the procurement and sustainment of 30 Huey IIs, and \$60 million for the sustainment of 15 UH-1Ns, all 45 of which will support the CACBs. In addition, provides \$20.6 million to upgrade 12 UH-1Hs for the CNP.</p>
<b>Restriction on Use of Helicopters</b>	<p>Provides for the return to the United States of any helicopter procured with use of these funds that is used to aid or abet the operations of an illegal self-defense group or security cooperative.</p>		<p>Contains the House provision.</p>
<b>Displaced Persons</b>	<p>As specified in the House report, provides the \$24.5 million for currently displaced persons and the \$15 million for resettling and employing and \$16 million for alternative development for persons that might be displaced by the Push into Southern Colombia program, as requested by the Administration.</p> <p>However, through a floor amendment, the bill earmarks \$50 million for assistance to displaced persons. It is unclear whether this would cover only currently displaced persons. No additional funding is specifically provided above the amounts requested by the Administration for current and potential displaced persons.</p>	<p>Provides the funding requested by the Administration for currently displaced persons, \$15 million for the resettlement and alternative employment of those to be displaced by the Push into Southern Colombia, but only \$10 of the \$16 million requested for alternative development projects for persons displaced by the Push Into Southern Colombia.</p>	<p>Provides \$2.0 million less for currently displaced persons, and the Senate level of \$10.0 million for alternative development for those displaced by the Push into Southern Colombia.</p>

	<b>H.R. 3908 House Supplemental, as passed by the House</b>	<b>S. 2522 Foreign Operations Appropriations, as approved by the Senate</b>	<b>Conference Report on H.R. 4425, FY2001 Military Construction Appropriations</b>
<b>Provisions on Eradication and Fumigation</b>	Military funding can be made available to Colombia only after the President certifies to Congress that Colombia has agreed to and is implementing a strategy to eliminate coca and opium poppy production by 2005 through a mix of alternative development programs; manual eradication; aerial spraying of chemical herbicides; tested, environmentally safe mycoherbicides; and the destruction of illicit narcotics laboratories.	Prohibits the use of funds in the bill to support the use of herbicides unless the Director of the National Center for Environmental Health at the Center for Disease Control and Prevention reports to Congress that the herbicide is safe and non-toxic to human health, and the Environmental Protection Agency reports that it does not contaminate ground or surface water.  States Sense of Congress that Colombia should develop and apply “naturally occurring and ecologically sound methods for eradicating illicit crops.”	Includes House provision. The bill itself does not include the Senate provisions, but the conference report directs the Secretary of State to report to Congress within 60 days of enactment on the effects on human health and safety of the herbicides used under the title of this bill.  Does not include the Senate Sense of Congress in the bill itself, but statement is included in the conference report’s joint explanatory statement of the conferees.
<b>Human Rights Funding</b>	Adds \$2 million to the Administration request for programs to protect human rights workers and strengthen human rights institutions. Committee bill added \$1.5 million for armed forces legal reform and human rights programs, and \$1 million for an Army JAG school (included in Table 4 under Administration of Justice funding); floor amendment earmarked \$1.5 million to provide comprehensive law of war training and to support the development of a judge advocate general corps to investigate alleged human rights violations, and \$500,000 for U.S. monitoring of armed forces, guerrillas, and paramilitary groups. (It is unclear how these amounts relate to each other.)	Adds \$33.5 million to the Administration funding request: \$21 million more than the \$4 million requested to establish a CNP “fiscalia,” \$10 million to provide protections for witnesses and judicial personnel in human rights cases, \$1.5 million for U.S. human rights monitoring, and \$1 million for the U.N. Human Rights field office. Also directs the Secretary of State to transfer \$5 million in funding to the Department of Labor for the demobilization and rehabilitation of child soldiers. (It is unclear which other programs would be cut to provide the funding.)	Provides \$38.5 million over the Administration request, fully funding all Human Rights items in both the House and Senate bills. Specifically includes \$2.5 million for child soldiers.

	<b>H.R. 3908 House Supplemental, as passed by the House</b>	<b>S. 2522 Foreign Operations Appropriations, as approved by the Senate</b>	<b>Conference Report on H.R. 4425, FY2001 Military Construction Appropriations</b>
<b>Certification Regarding Human Rights Violations by the Armed Forces</b>	Military funding can only be made available to Colombia after the President certifies that (1) the head of the Colombian Armed Forces has been granted and is exercising authority identical to that of the head of the CNP, to summarily dismiss military personnel for gross violations of human rights, (2) the Colombian Armed Forces are cooperating with civilian authorities in investigation gross violations of human rights, and in prosecuting and punishing indicted personnel in civilian courts, and (3) the Colombian Armed Forces are developing and deploying in their field units a Judge Advocate General Corps to investigate personnel for gross violations of human rights. President may waive these conditions in extraordinary circumstances.	In order for Plan Colombia assistance funded in S. 2522 to be provided, requires the Secretary of State to certify that Colombian military personnel credibly alleged to be guilty of gross violations of human rights be suspended from duty and that the President of Colombia has directed in writing that such personnel will be tried by civilian courts. Requires a certification of full cooperation on this issue of the Colombian Armed Forces with civilians in investigating, prosecuting and punishing such personnel. Requires the Secretary to consult with internationally recognized human rights organizations regarding Colombia's progress on this matter before issuing the certification. Requires the Secretary to report 60 days after enactment and every 180 days thereafter on these matters.	Includes Senate certification requirement on funding other than that provided through the Department of Defense, but without a reporting requirement. (However, in their explanatory statement, conferees said they "expected" periodic reports.) Adds provisions for a national security waiver.
<b>Certification Regarding Armed Forces Support for Paramilitaries</b>	No comparable provision.	In order for Plan Colombia assistance funded in S. 2522 to be provided, requires the Secretary of State to certify that (1) Colombian military personnel be suspended from duty if credibly alleged to have assisted paramilitary groups, and (2) the Armed Forces are fully cooperating with civilians in investigating, prosecuting, and punishing such personnel. Requires the Secretary to consult with internationally recognized human rights organizations regarding Colombia's progress on these matters before issuing the certification. Requires the Secretary to report 60 days after enactment and every 180 days thereafter on these matters.	Includes Senate provision, but without the reporting requirement. (However, in their explanatory statement, conferees said they "expected" periodic reports.) Adds provisions for a national security waiver.

	<b>H.R. 3908 House Supplemental, as passed by the House</b>	<b>S. 2522 Foreign Operations Appropriations, as approved by the Senate</b>	<b>Conference Report on H.R. 4425, FY2001 Military Construction Appropriations</b>
<b>Certification Regarding the Prosecution of Paramilitaries</b>	No comparable provision.	In order for Plan Colombia assistance funded in S. 2522 to be provided, requires the Secretary of State to certify that the Colombian government is “vigorously prosecuting” the leaders and members of paramilitary groups in civilian courts. Requires the Secretary to report 60 days after enactment and every 180 days thereafter on efforts by the Colombian Armed Forces, police, and Attorney General to disband paramilitary groups.	Includes Senate provision, but without the reporting requirement. (However, in their explanatory statement, conferees said they “expected” periodic reports.) Adds provisions for a national security waiver.
<b>Prohibition on Visas for Paramilitaries, Guerrillas, and Supporters</b>	Prohibits the State Department from issuing a visa to any person “credibly alleged to have provided direct or indirect support for the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self-Defense organization (AUC), including conspiracy to allow, facilitate, or promote the illegal activities of such groups.” Provides a waiver if deemed in the national interest, and three types of exemptions.	No comparable provision.	Includes House provision.
<b>Overall Limitation on Funding</b>	No comparable provision.	Prohibits use of any funds other than those appropriated for Plan Colombia by this act, by the FY2001 Military Construction Appropriations Act, by the Department of Defense Appropriations Act, 2001, and the unobligated balances from any previous appropriations for Plan Colombia-like purposes, unless Congress approves a presidential request by joint resolution.	Includes Senate provision.

	<b>H.R. 3908 House Supplemental, as passed by the House</b>	<b>S. 2522 Foreign Operations Appropriations, as approved by the Senate</b>	<b>Conference Report on H.R. 4425, FY2001 Military Construction Appropriations</b>
<b>Limitation on Presence of U.S. Personnel in Colombia</b>	Limits to 300 the number of U.S. military personnel that can be supported in Colombia with funds appropriated by the bill, except for those assigned to emergency missions or attached to the U.S. Embassy.	Limits to 500 the number of military personnel assigned to temporary or permanent duty in Colombia in connection with the support of Plan Colombia and to 300 the number of United States civilian contractors working there. Provides for a waiver in the event of actual or indicated hostilities, and an exception if the Congress enacts a joint resolution approving a presidential request that the limitation not apply.  These personnel limitations do not apply to the intelligence and intelligence-related activities subject to reporting under Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).	Includes Senate provision, but without the exception for intelligence and intelligence-related activities. However, in their explanatory statement, conferees made clear that the limits were intended only to apply to personnel supporting Plan Colombia.

**Table 6. U.S. Aid to Colombia FY1989-FY1998**

(Obligations and Authorizations, \$ millions)

<b>U.S. AID TO COLOMBIAN PROGRAMS</b>	<b>FY1989</b>	<b>FY1990</b>	<b>FY1991</b>	<b>FY1992</b>	<b>FY1993</b>	<b>FY1994</b>	<b>FY1995</b>	<b>FY1996</b>	<b>FY1997</b>	<b>FY1998</b>
<b>Economic</b>										
<i>USAID grants</i>	–	–	–	–	23.8	0.2	– <sup>a</sup>	–	–	0.5
<i>Food Aid Grants</i>	0.1	0.2	–	–	0.8	–	–	–	–	–
<i>Other</i>	1.0	0.8	0.7	0.6	1.2	1.4	1.3	0.6	–	–
<b>Counternarcotics</b>										
<i>State Department INC</i>	10.0	20.0	20.0	23.4	25.0	20.0	16.0	16.0	33.5	46.3
<i>State Department Air Wing</i>	–	–	–	–	–	–	2.5	6.6	10.9	37.8
Defense Department Section 1033 Riverine Program	–	–	–	–	–	–	–	–	–	2.2
Defense Department Section 1004	–	–	–	–	–	–	–	–	10.3	11.8
Administration of Justice	–	–	–	–	–	–	–	–	1.8	2.0
<b>Military</b>										
<i>IMET</i>	1.5	1.5	2.8	2.3	2.6	0.9	0.6	– <sup>a</sup>	–	0.2
<i>Foreign Military Financing/Grants</i>		69.7	27.1	47.0	27.0	7.7	10.0	–	–	–
<i>MAP Merger Funds</i>	7.1	–	–	–	–	–	–	–	–	–
<b>Drawdowns</b>										
Department of Defense	65.0	20.0	–	7.0	–	–	–	14.5	9.4	18.8
<b>TOTAL/U.S. Aid to Colombian Programs</b>	<b>84.7</b>	<b>112.2</b>	<b>50.6</b>	<b>80.3</b>	<b>80.4</b>	<b>30.2</b>	<b>30.4</b>	<b>37.7</b>	<b>66.6</b>	<b>119.6</b>
<b>OTHER ASSISTANCE/SPENDING</b>										
Foreign Military Financing – Loans	–	–	19.9	–	–	–	–	–	–	–
Foreign Military Sales	83.3	3.7	10.2	14.3	12.8	67.2	21.9	9.7	74.5	8.7
Foreign Military Construction Sales	–	–	–	–	1.6	.4	–	.7	.5	–
DOD Section 124 Detection and Monitoring	–	–	–	–	–	–	–	–	33.5	28.7
<b>TOTALS/Other Assistance/Spending</b>	<b>83.3</b>	<b>3.7</b>	<b>30.1</b>	<b>14.3</b>	<b>14.4</b>	<b>67.6</b>	<b>21.9</b>	<b>10.4</b>	<b>108.5</b>	<b>37.4</b>

**Source Note:** Data is drawn from a number of sources, not all of which are consistent, including various editions of the U.S. Overseas Loans and Grants and Assistance from International Organizations “Green Book”, prepared by the AID budget office, the Foreign Military Sales, Foreign Military Construction Sales, and Military Assistance Facts book, prepared by the Department of Defense Security Cooperation Agency, with data as of September 30, 1998, information provided directly by the departments of State and Defense that are not recorded in these publications, and by the General Accounting Office (GAO) for 1996-1998. (See GAO report GAO-01-26.) Where contradictions existed, GAO data was preferred, and then other printed data was used. In particular, GAO used data on the amounts of DOD drawdown assistance actually delivered in FY1996 through FY1998; other sources show the amount authorized, i.e., \$40.5 million in FY1996, \$14.2 million in FY1997, and \$41.1 million in FY1998. Because of a possible lack of data or inaccuracies, some yearly totals may be understated or overstated, particularly prior to FY1996.

**Note:** This chart includes direct U.S. foreign assistance (i.e., the categories usually counted as U.S. foreign aid, which are in italics), as well as the costs of goods and services provided to Colombia from other U.S. government programs supporting counternarcotics efforts in Colombia. The United States also provides a small amount of DOD Excess Defense Articles (EDA) to Colombia. Other funds are spent in Colombia on counternarcotics and other activities that are considered part of U.S. programs: for instance, the Drug Enforcement Administration (DEA) spends its own funds on joint operations in Colombia. DOD Section 124 detection and monitoring funds cover U.S. operated radar systems in Colombia and elsewhere, and other costs of U.S. detection and monitoring of drug flights.

<sup>a</sup> In these years, there was assistance in this category of less than \$50,000.



## **Congressional Hearings on Colombia and Related Issues in 2000**

House Appropriations Committee. Subcommittee on Foreign Operations, Export Financing and Related Programs. Hearing on Colombia Counternarcotics Funding. February 29, 2000.

House Appropriations Committee. Subcommittee on Foreign Operations, Export Financing and Related Programs. Hearing on Emergency Supplemental Appropriations Request for Plan Colombia. March 2, 2000.

House Armed Services Committee. Hearing on Southcom/U.S. Policy Towards Colombia. March 23, 2000.

House Government Reform Committee. Subcommittee on Criminal Justice, Drug Policy and Human Resources. Hearing on Department of Defense's Drug Interdiction Program, January 27, 2000.

House Government Reform Committee. Subcommittee on Criminal Justice, Drug Policy and Human Resources. Hearing on Narcotics Crisis in Colombia. February 15, 2000.

House Government Reform Committee. Subcommittee on Criminal Justice, Drug Policy and Human Resources. Hearing on Getting U.S. Aid to Colombia. October 12, 2000.

House International Relations Committee. Subcommittee on Western Hemisphere Affairs. Hearing On Plan Colombia. September 21, 2000.

Senate Appropriations Committee. Subcommittees on Defense and on Military Construction. Hearing on Colombia Supplemental Request. February 24, 2000.

Senate Armed Services Committee. Hearing on U.S. Support for Counter-narcotics Activities in the Andean Region and Neighboring Countries. April 4, 2000.

Senate Caucus on International Narcotics Control, and Senate Finance Committee, Subcommittee on International Trade. Hearing on Illegal Drug Trade in the Andes. February 22, 2000.

Senate Foreign Relations Committee. Subcommittee on Western Hemisphere, Peace Corps Affairs, Narcotics and Terrorism. Hearing on Proposed Emergency Anti-Drug Assistance to Colombia. February 25, 2000.